

**Justification and Approval for Other Than Full and
Open Competition Justification**

Emergency Surveying in response to Hurricane Sandy

1. Contracting Activity: Norfolk District, Corps of Engineers, Fort Norfolk, 803 Front Street, Norfolk, VA 23510.

2. Description of Action: This action is for a sole source, firm fixed price purchase order with Waterway Survey and Engineering, Ltd. (Waterway). The purpose of the purchase order is to perform emergency surveys and related data services of navigation channels within the Norfolk District's area of responsibility. The cost estimate to perform these emergency surveys is \$33,000.00.

3. Description of Supplies/Services: The Norfolk District is responsible for determining if natural disasters such as the recent Hurricane Sandy event cause obstructions to navigation channels. This responsibility requires the District to promptly examine if obstructions to navigation channels exist shortly after a disaster event. The Norfolk District's responsibility requires it to perform hydrographic surveys, to include processing and mapping data, for the channels within its area of responsibility. Channels within the District's area of responsibility include Thimble Shoals, Cape Henry, York Spit, Norfolk Harbor 50 foot, Norfolk Harbor 40 foot, Channel to Newport News, and the shoals comprising the lower James River. Channels within this area of responsibility may have been impacted by the recent Hurricane Sandy event. The Norfolk District does not currently possess the manpower or equipment to perform critical, time sensitive hydrographic surveys of all channels within its area of responsibility to determine the possible impacts to navigation from Hurricane Sandy. Consequently, the Norfolk District requires the support of a private contractor to perform emergency surveys and data processing to determine the possible impacts to navigation from Hurricane Sandy. The Norfolk District intends to utilize the contractor to supplement surveys done by its government survey teams, thus enabling the District to identify critical shoaling or other obstructions to navigation channels that may exist in a timely fashion so as to complete the District's responsibilities and not negatively impact navigation or potentially damage life or property. The contractor will perform emergency surveys as directed by the District's Navigation Support and Surveying Section (NSSS). The scope of the proposed contract action will be limited to performing only emergency surveys necessary to complete the Norfolk District's responsibilities for determining possible impacts to navigation from Hurricane Sandy.

4. Authority Cited: The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(2), as implemented by FAR 6.302-2 and DFARS 206.302-2, Unusual and Compelling Urgency. Specifically, PGI 206.302-2 explains that the unusual and compelling urgency rationale is applicable and appropriate to acquire services needed at once because of a natural disaster event such as Hurricane Sandy.

5. Reason for Authority Cited: During the period from October 27 – 29, 2012, Hurricane Sandy impacted the coast of the Commonwealth of Virginia. A serious potential exists for federal navigation channels to have been impacted by Hurricane Sandy through shoaling or other obstructions to critical navigation

channels. This possible impact to navigation channels could result in the potential closure of ports resulting in a potential loss of revenue of approximately \$105,000,000.00 per day. Additionally, possible obstructions to navigation may potentially present a danger to or damage life or property.

The unusually compelling urgency of this action is related to the Norfolk District's responsibility for immediately determining the effects and possible obstruction impacts to navigation caused by Hurricane Sandy. The Norfolk District is responsible for promptly examining and determining whether Hurricane Sandy caused impediments or obstructions to navigation channels, such as potential shoaling, in order for the government to properly respond to such obstructions and therefore avoid possible closure of ports as well as avoid danger and damage to both life and property.

The Norfolk District does not currently possess sufficient manpower and equipment necessary to perform critical, time sensitive and required hydrographic surveys of all channels within its area of responsibility to determine Hurricane Sandy's impact upon navigation in an expeditious fashion. Consequently, immediate assistance from a private contractor is necessary to identify possible critical shoaling or other obstructions to navigation channels that may exist in a timely fashion so as to avoid costly negative impacts to navigation and possible dangers and damage to life and property.

Specifically, the Norfolk District requires the support of a private contractor to perform emergency surveys and data processing as directed by the District's Navigation Support and Surveying Section (NSSS). The Norfolk District intends to utilize this contractor to supplement surveys performed by its government survey teams, thus enabling the District to fulfill its critical, time sensitive requirement to determine if the natural disaster Hurricane Sandy event caused obstructions to navigation. The scope of the proposed contract action will be limited to performing only emergency surveys necessary to complete the Norfolk District's responsibilities for determining possible impacts to navigation from Hurricane Sandy.

The proposed contractor, Waterway Survey Engineering, Ltd. of Virginia Beach, Virginia, is a local contractor that has extensive experience in required hydrographic surveying and data analysis necessary to assist the Norfolk District in the performance of this important, time sensitive mission. In fact, this contractor has previously demonstrated to the government, on multiple occasions, its proficiency in performing hydrographic surveys under urgent and emergency conditions. Waterway has the type of equipment and personnel currently in place to allow for an immediate response to address the District's urgent and compelling requirement. The contractor is familiar with the District's surveying processes and requirements as the Norfolk District previously had an IDC contract with Waterway that ended on 31 Aug 2012. Additionally, Waterway's software is directly compatible with the software currently used by the Norfolk District thus making analysis of the surveying data more efficient and enabling the government to quickly confirm the required channel depths in order to open Federal shipping channels to commercial traffic as quickly as possible. Furthermore, Waterway's unique capabilities will enable the Norfolk District and Government to respond to possible impediments to navigation, if necessary.

As the IDC contract is no longer available and there is an immediate and urgent need to support this important, time sensitive, emergency hydrographic surveying and data analysis requirement, full and open procurement is not possible. The standard time for fully and openly competing services similar to the scope of work proposed for this action is 142 days. It is unreasonable for the Government to wait 142 days to address this critical navigation requirement.

Since this is an urgent and compelling requirement as a result of Hurricane Sandy and Waterway currently has necessary personnel and equipment in place to immediately provide the Norfolk District with required support, the proposed work is expected to immediately commence upon completion of the contracting action. As indicated above, the proposed work will be limited to performing only emergency surveys necessary to complete the Norfolk District's responsibilities for determining possible impacts to navigation from Hurricane Sandy. This action will not be used to support additional requirements or remain in effect upon completion of the Norfolk District's determination of possible impacts to navigation from Hurricane Sandy.

6. Efforts to Obtain Competition: The subject action requires an urgent and compelling response to determine possible impediments and obstructions to navigation channels in the Norfolk District's area of responsibility as a result of Hurricane Sandy. There is an immediate need for this support and the Norfolk District lacks an available, competed contract vehicle to assist with obtaining high technical, specialized services to support this time sensitive requirement. The Norfolk District considered all available local firms who could immediately provide these necessary, specialized services and determined, based on past history, that Waterway Survey and Engineering Ltd. is the only firm in the local area that can provide multi beam hydrographic survey services while meeting the short timeframe required to respond to this post storm emergency requirement.

7. Actions to Increase Competition: NAO intends to seek opportunities to increase competition by posting a new IDC sources sought announcement for hydrographic survey services on FedBizOps in FY 13. This sources sought will enable the Norfolk District to openly compete its hydrographic survey services to support future requirements. Unfortunately, the Norfolk District's immediate need for hydrographic survey services to support response to Hurricane Sandy prevents the Government from fully and openly competing this requirement.

8. Market Research: The Norfolk District considered all available local firms who could immediately provide the necessary services to support this important, time sensitive and high specialized requirement and determined, based on past history, that Waterway Survey and Engineering Ltd. is the only local firm capable of providing multi beam hydrographic survey services while meeting the immediate response required to respond to this post storm emergency surveying requirement.

9. Interested Sources: To date, no other sources have written to express an interest.

10. Other Facts: N/A

Legal Concurrence

Typed Name: Patrick Healy

Title: Asst District Counsel

Date: 11/25/12

Signature: 

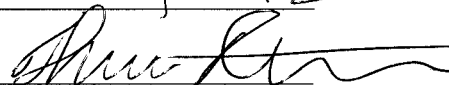
11. Technical Certification:

I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name: Thomas Friberg

Date: NOV. 28, 2012

Title: CH, OPS SOP SEC

Signature: 

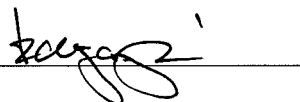
12. Requirements Certification:

I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name: Eric Legaspi

Date: 28 NOV 2012

Title: Ch, NSSS

Signature: 

13. Fair and Reasonable Cost Determination:

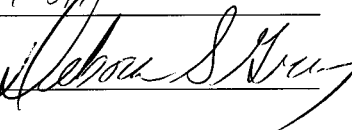
I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable.

The proposed modification pricing structure is based on line items in the existing contract. There is no escalation factor of the unit cost and all other direct cost shall remain consistent with the cost of the instant contract structure.

Typed Name: Debbie Gray

Date: 11/28/12

Title: Chief of Military Contracting Branch

Signature: 

14. Contracting Officer Certification: This certification shall be made by the contracting officer who will sign the contract resulting from this justification and approval. Include the following statement:

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Typed Name: Lynn Tanno

Date: 11/28/12

Title: Chief of Military Contracting Branch

Signature: 